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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/782,476

02/19/2004

Edward Sender

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT

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3611

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/782,476	<b>Applicant(s)</b> SENDER ET AL.	
	<b>Examiner</b> Cassandra Davis	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-12,14,15,17-23,25 and 27-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 5-7,27,30 and 31 is/are allowed.
- 6) ☐ Claim(s) 2,3,15,17,25,28,29 and 32-35 is/are rejected.
- 7) ☐ Claim(s) 6-12,14 and 18-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 29 is objected to because of the following informalities: on line 4, the phrase "said cross rail" lacks antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 28 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Eby, US Patent 3962806.
4. Eby teaches a rotating message display device for suspension from a ceiling comprising a sign mount (arms 110, 112, 114, 116) configured to engage a plurality of the ceiling support rails; a graphics display 10 supported by the sign mount, wherein the graphics display rotates 360°. The graphic display has a bottom wall 42 and a rotating shaft within the motor 100 (see column 3, lines 18-25) linked indirectly to sign mount and to graphics display bottom wall.
5. With respect to claim 28, Eby teaches a fluorescent light tube within the housing.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 29, 33, 17, 34, 2, 3, 35, 15, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eby, US Patent 3962806 in view of Rathke, US Patent 5355604.

8. With respect to claims 29, 33, 34, and 35, Eby teaches rotating message display device for suspension from a ceiling a sign mount in the form of U-shaped support arms 110, 112, 114, 116 descending from ceiling support members; a display 10 supported by the sign mount, wherein the display rotates 360°. The display has a bottom wall 42 and a rotating shaft within the motor 100 (see column 3, lines 18-25) linked indirectly to sign mount and to display bottom wall.

9. Eby does not teach the U-shaped support arm of the message display device descending from the cross member and the upper perimeter with a width of at least 20 inches.

10. Rathke teaches a support for a sign suspended from a ceiling of the type that has a plurality of support rails arranged in a grid. The support comprises a cross member 49 having two mounting brackets on its ends (first bracket includes hook 52 and second bracket includes channel member 46 and hook 51). The second bracket mounting bracket is slidable along the cross member 46 and is lockable thereon with locking means for locking the slidable second mounting bracket in a stationary position. Each of the two mounting brackets having an engaging member (hooks 51 and 52) for engaging parallel of the ceiling support rails (69 and 70).

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11. It would have been obvious to one having ordinary skill in the art at the time this invention was made to secure the U-shaped support arms of the rotating message display device taught by Eby to the support rail with the cross member and the end brackets as taught by Rathke to provide a means to secure the message display device to ceiling rails spaced at varying distances. In addition, since the applicant does not disclose that having an upper perimeter with a width of at least 20 inches solves any stated problem or is for any particular purpose, it appears that constructing the upper perimeter of the display device of any suitable dimension would perform equally well in displaying information.

12. With respect to claim 35, Eby teaches the upper wall 40 of the device has an opening 120 which can admit light from a light source in the ceiling. Eby also teaches the panels may be made of transparent material. See column 2, lines 61-68).

13. With respect to claim 17, Eby teaches a motor 100 for driving rotation of the display device 10, wherein the motor is mounted on the support arms 110, 112, 114, 116. See figure 3.

14. With respect to claims 2-3, Rathke teaches a support or sign mount comprises a cross member 49 having two mounting brackets on its ends (first bracket includes hook 52 and second bracket includes channel member 46 and hook 51). The second bracket mounting bracket is slidable along the cross member 46 and is lockable thereon with locking means for locking the slidable second mounting bracket in a stationary position. Each of the two mounting brackets having an engaging member (hooks 51 and 52) for engaging parallel of the ceiling support rails (69 and 70).

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15. With respect to claim 15, Rathke teaches a support or sign mount having hooks or brackets 51 and 52 for engaging two spaced ceiling support rails and Eby teaches descending support arms 110, 112, 114, and 116.

16. With respect to claim 25, since the applicant does not disclose that having an upper perimeter with a width of at least 20 inches solves any stated problem or is for any particular purpose, it appears that constructing the upper perimeter of the display device of any suitable dimension would perform equally well in display information.

***Allowable Subject Matter***

17. Claims 6-12, 14, 18-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. Claims 30, 31, 27, 6, and 7 are allowed.

***Response to Arguments***

19. Applicant's arguments with respect to claims 29, 32-35 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cassandra Davis/  
Primary Examiner  
Art Unit 3611

CD